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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/657,370	09/08/2000	Lester D. Nelson	FXPL-01016US0 MCF/KJD	3329
23910	7590	12/11/2003	EXAMINER	
FLIESLER DUBB MEYER & LOVEJOY, LLP			HU, JINSONG	
FOUR EMBARCADERO CENTER			ART UNIT	PAPER NUMBER
SUITE 400			2154	
SAN FRANCISCO, CA 94111			DATE MAILED: 12/11/2003	

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Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/657,370	NELSON, LESTER D.	
	<b>Examiner</b> Jinsong Hu	<b>Art Unit</b> 2154	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 13 December 2002.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-18 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-18 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. §§ 119 and 120

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 13) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
  - a) The translation of the foreign language provisional application has been received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

#### Attachment(s)

- |  |  |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ . |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                 | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>4 &amp; 5</u> . | 6) <input type="checkbox"/> Other: _____                                     |

**DETAILED ACTION**

1. Claims 1-18 are presented for examination.
2. The cross references related to the application cited in the specification must be updated [i.e. update the relevant status with PTO serial number or patent number where appropriate, on pages 1-2]. The entire specification should be so revised.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-7, 15 and 18 are rejected under 35 U.S.C. 102(e) as being anticipated by Baker et al. (US 5,920,303).

5. Baker is a prior art cited by Applicant on form 1449 dated to 8/30/01.

6. As per claim 1, Baker teaches the invention as claimed including a method for communicating [col. 1, lines 11-21], comprising the steps of:

accessing a conversation representation [24, Fig. 4A]; selecting the conversation representation [26, Fig. 4A; col. 15, lines 21-26]; obtaining an internal representation of a conversation element associated with the conversation representation [col. 14, lines 44-46]; and generating a audible utterance based on the internal conversation element [col. 24, lines 34-42; col. 40, lines 54-64].

7. As per claims 2-4, Baker teaches the steps of accessing a plurality of conversation representations and selecting a first and a second conversation representation [col. 5, lines 20-25].
8. As per claim 5, Baker teaches the conversation representation is in a Graphical User Interface [col. 12, lines 17-30].
9. As per claims 6 and 7, Baker teaches the conversation representation is selected from a group consisting of an icon, a symbol, a figure, a graph, a checkbox, a GUI widget and a graphics button [Fig. 2b; col. 10, lines 31-35].
10. As per claims 15 and 18, Baker teaches the step of recording a conversation element, wherein includes text-to-speech processing [col. 24, lines 34-43].

Art Unit: 2154

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

12. Claims 8-14 and 16-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Baker et al. (US 5,920,303) as applied to claims 1-7, 15 and 18.

13. As per claims 8-14 and 16-17, Baker teaches the invention substantially as claimed in claim 1. Baker does not specifically teach the steps of altering, deleting and downloading the conversation representation and element. However, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to include altering, deleting and downloading steps in Baker's system because doing so would improve the flexibility of the system by allowing user to modify the setting of the user interface. One of ordinary skill in the art would have been motivated to modify Baker's system to improve the functionality of the system.

### ***Conclusion***

14. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

Bossi et al. (US 6,421,425) discloses a communication system; and

Schwelb et al. (US 5,950,123) discloses a cellular telephone network.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jinsong Hu whose telephone number is (703) 306 – 5932.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Meng-Ai An, can be reached on (703) 305-9678. The fax number for Group 2100 is (703) 872-9306.

Any inquiry of a general nature or relating to the status of the application should be directed to the Group receptionist at (703) 305-3900.

Jinsong Hu

December 8, 2003



MENG-AL T. AN  
SUPERVISORY PATENT EXAMINER  
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